

AMENDED IN ASSEMBLY MARCH 24, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 206

Introduced by Assembly Member Harkey

(Principal coauthor: Assembly Member Jeffries)

**(Coauthors: Assembly Members Bill Berryhill, Grove, Hall, Jones,
Olsen, Silva, and Wagner)**

(Coauthors: Senators Correa and Harman)

January 27, 2011

An act to ~~amend Section 30106 of~~ *add Section 12655 to the Health and Safety Code, and to amend Section 30106 of, and to add Section 21080.15 to, the Public Resources Code, relating to coastal resources fireworks displays.*

LEGISLATIVE COUNSEL'S DIGEST

AB 206, as amended, Harkey. ~~Coastal resources: California Coastal Act of 1976: development: fireworks displays. Fireworks displays: California Environmental Quality Act: California Coastal Act of 1976.~~

~~The~~

Existing law regulates fireworks and pyrotechnic displays and requires that a permit be obtained from the State Fire Marshal in certain instances. The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. The California Coastal Act of 1976 provides for the planning and regulation

of development, under a coastal development permit process, within the coastal zone. Existing law defines development for these purposes.

~~This bill would provide that “development” does not include a fireworks display conducted by a public entity.~~

This bill would exempt a municipal fireworks display, as defined, from the provisions of CEQA. Because a lead agency would have to determine the applicability of the exemption and to take certain specified action upon a determination of exemption, the bill would impose a state-mandated local program.

The bill would provide that a coastal development permit is not required for a municipal fireworks display and would specify that “development” does not include a municipal fireworks display.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12655 is added to the Health and Safety
- 2 Code, to read:
- 3 12655. (a) For purposes of this section, “municipal fireworks
- 4 display” means a public display of fireworks conducted, organized,
- 5 or sponsored by a city or county.
- 6 (b) Notwithstanding any other law, Division 13 (commencing
- 7 with Section 21000) of the Public Resources Code shall not apply
- 8 to a municipal fireworks display.
- 9 (c) Notwithstanding any other law, a coastal development permit
- 10 shall not be required pursuant to Chapter 7 (commencing with
- 11 Section 30600) of Division 20 of the Public Resources Code for a
- 12 municipal fireworks display.
- 13 SEC. 2. Section 21080.15 is added to the Public Resources
- 14 Code, to read:

1 21080.15. (a) *This division does not apply to a municipal*
2 *fireworks display.*

3 (b) *For purposes of this section, “municipal fireworks display”*
4 *has the same meaning as defined in Section 12655 of the Health*
5 *and Safety Code.*

6 **SECTION 1.**

7 SEC. 3. Section 30106 of the Public Resources Code is
8 amended to read:

9 30106. (a) “Development” means, on land, in or under water,
10 the placement or erection of any solid material or structure;
11 discharge or disposal of any dredged material or of any gaseous,
12 liquid, solid, or thermal waste; grading, removing, dredging,
13 mining, or extraction of any materials; change in the density or
14 intensity of use of land, including, but not limited to, subdivision
15 pursuant to the Subdivision Map Act (commencing with Section
16 66410 of the Government Code), and any other division of land,
17 including lot splits, except where the land division is brought about
18 in connection with the purchase of such land by a public agency
19 for public recreational use; change in the intensity of use of water,
20 or of access thereto; construction, reconstruction, demolition, or
21 alteration of the size of any structure, including any facility of any
22 private, public, or municipal utility; and the removal or harvesting
23 of major vegetation other than for agricultural purposes, kelp
24 harvesting, and timber operations which are in accordance with a
25 timber harvesting plan submitted pursuant to the provisions of the
26 Z’berg-Nejedly Forest Practice Act of 1973 (Chapter 8
27 (commencing with Section 4511) of Part 2 of Division 4).

28 (b) As used in this section, “structure” includes, but is not
29 limited to, any building, road, pipe, flume, conduit, siphon,
30 aqueduct, telephone line, and electrical power transmission and
31 distribution line.

32 (c) Development does not include a ~~fireworks display conducted~~
33 ~~by a public entity~~ *municipal fireworks display. For purposes of*
34 *this subdivision, “municipal fireworks display” has the same*
35 *meaning as defined in Section 12655 of the Health and Safety*
36 *Code.*

37 SEC. 4. *If the Commission on State Mandates determines that*
38 *this act contains costs mandated by the state, reimbursement to*
39 *local agencies and school districts for those costs shall be made*

- 1 *pursuant to Part 7 (commencing with Section 17500) of Division*
- 2 *4 of Title 2 of the Government Code.*

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